

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DANIEL SCHUBMEHL and KEVIN WOODS, on  
behalf of themselves and others similarly situated,

Plaintiffs,

v.

SARMA MELNGAILIS, ONE LUCKY DUCK HOLDINGS,  
LLC, PURE FOOD AND WINE, LLC, CGM 54 IRVING, LLC,  
d/b/a PURE FOOD AND WINE, and ONE LUCKY DUCK  
ECOMMERCE, LLC, jointly and severally,

Defendants.  
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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>10/20/2016</u>
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15 cv 6432 (VEC)

ORDER TO SHOW  
CAUSE FOR DEFAULT  
JUDGMENT

UPON THE AFFIRMATION OF Benjamin N. Dictor, dated October 3, 2016 together with Exhibits annexed thereto; the Affidavit of Plaintiff Daniel Schubmehl, duly sworn to on the 19<sup>th</sup> day of April, 2016, the Affidavit of Plaintiff Kevin Woods, duly sworn to on the 19<sup>th</sup> day of April, 2016; the Affidavit of Plaintiff Kevin Woods, duly sworn to on the 30<sup>th</sup> day of August, 2016; the Affidavit of Opt-In Plaintiff Liana Felt, duly sworn to on the 22<sup>nd</sup> day of August, 2016; the Affidavit of Opt-In Plaintiff Lauren Haupt, duly sworn to on the 30<sup>th</sup> day of August, 2016; the Memorandum of Law in Support of Plaintiffs' Application for Default Judgment, and all pleadings and proceedings heretofore had herein:

**NOW**, it is hereby

**ORDERED**, that defendants One Lucky Duck Holdings, LLC, One Lucky Duck Ecommerce, LLC, and CGM 54 Irving, LLC, d/b/a Pure Food and Wine and Sarma Melngailis show cause before United States District Judge Valerie E. Caproni, in Courtroom 443, United States Courthouse, 40 Foley Square, in the City, County and State of New York, on November 18, 2016 at 10:00 a.m., or as soon thereafter as counsel may be heard, why an Order should not be

issued pursuant to Rule 55(b) of the Federal Rules of Civil Procedure entering a Default Judgment against defendants and in favor of plaintiffs and the opt-in class.


**IT IS FURTHER ORDERED** that service of a copy of this Order, the annexed Affirmation, Affidavits, Exhibits, and Memorandum of Law upon defendants One Lucky Duck Holdings, LLC, One Lucky Duck Ecommerce, LLC, and CGM 54 Irving, LLC, d/b/a Pure Food and Wine by delivery to an authorized person at the New York Department of State's office at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231, on or before October 28, 2016 shall be deemed good and sufficient service thereof;

**IT IS FURTHER ORDERED** that service of a copy of this Order, the annexed Affirmation, Affidavits, Exhibits, and Memorandum of Law upon defendant Sarma Melngailis by e-mail to the e-mail address sarmasarma@gmail.com and via Certified Mail and First Class Mail to defendant Sarma Melngailis at (1) 243 Fifth Avenue, #247, New York, NY 10016 and (2) 38 East 21st Street, 2nd Floor, New York, New York 10010 and by First Class Mail at the addresses listed for the businesses owned by her father, John Melngailis, (c/o Black Rooster Food, LLC, 3314 Brooklawn Terrace, Chevy Chase, Maryland 20815) and her brother, Noah Melngailis, (c/o One Lucky Duck Texas, 303 Pearl Parkway, Suite 109, San Antonio, Texas 78215), on or before October 28, 2016 shall be deemed good and sufficient service thereof.

**IT IS FURTHER ORDERED** that answering papers, if any, shall be filed and served so as to be received by counsel for to plaintiffs, Eisner & Mirer, P.C. at their offices at 39 Broadway, Suite 1540, New York, New York 10006, by hand or by courier and by email to ben@eisnerassociates.com, on or before five o'clock on the 14th day of November, 2016.

**SO ORDERED.**

**Date: October 20, 2016**  
**New York, New York**

  
**VALERIE CAPRONI**  
**United States District Judge**